

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GMAC BANK,

Plaintiff,

V.

HOME MORTGAGE, INC., LAWRENCE

LUCKETT and JOHN DOES 1-10, inclusive,

Defendants.

08 Cv 1792

Judge Grady

Magistrate Judge Cox

PLAINTIFF'S MOTION FOR THE EARLY INITIATION OF DISCOVERY

Plaintiff GMAC Bank, by and through its attorneys, hereby moves this Court for leave to serve discovery prior to the occurrence of the Rule 26(f) conference, pursuant to Fed. R. Civ. P. 26(d)(1). Plaintiff seeks leave to ascertain the nature, extent and location of GMAC's assets stolen by Defendants Home Mortgage, Inc. ("HMI") and Lawrence Lockett ("Lockett") pursuant to a fraudulent scheme. As set forth in the attached Memorandum in Support, said expedited discovery would be limited to document requests and/or third party subpoenas seeking production of bank records and financial records sufficient to identify the use and location of funds advanced by GMAC to Defendants Lockett and HMI pursuant to the fraudulent scheme. Pursuant to the fraudulent scheme, Lockett and HMI directed the transfer of GMAC's assets to Companion Title Company, to Lockett and/or HMI, to International Paper Exchange, Inc., and possibly, to other third-parties. Accordingly, Plaintiff respectfully requests that this Court grant Plaintiff leave to issue subpoenas and document requests to allow it to identify and trace assets while the trail is still "warm."

Respectfully submitted,

GMAC BANK

By: /s/ Timothy J. McCaffrey

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